HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9779 of 2004

Dated:24.08.2007

Between:

Kalidas Chandra Prakash.

…Petitioner.

and

The Mandal Revenue Officer and others.

…Respondents.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9779 of 2004

ORDER:

The petitioner is allegedly an Ex-serviceman. He was allegedly assigned land admeasuring Acs.5.00 in survey No.127/2 under D-Form patta, dated 02.04.1985, and since then he is in possession of the land. Subsequently, the Mandal Revenue Officer, vide his letter, dated 28.12.1999, directed respondents 2 and 3 to incorporate his name in the revenue records. It is alleged that in spite of making representations, the respondents did not take any action. Therefore, the present Writ Petition is filed seeking a mandamus declaring the action of the respondents in not incorporating the name of the petitioner in the revenue records, pursuant to the letter, dated 28.12.1999, as illegal and arbitrary.

In the counter-affidavit filed by the Mandal Revenue Officer, Visakhapatnam, it is stated that the subject land is in occupation of the Government. It was revealed in the enquiry that it was not assigned to the petitioner and the documents produced by him are forged and fabricated.

After hearing learned Counsel for the petitioner, learned Assistant Government Pleader for Revenue (Assignment) and learned Counsel appearing for Visakhapatnam Urban Development Authority (VUDA), this Court is of considered opinion that disputed questions of fact would arise in this case as to whether the land was assigned to the petitioner as alleged, whether the land was assigned to other

persons and whether the land was handed over to VUDA for the purpose of development of township.

In similar writ petitions, being W.P.Nos.791 and 2056 of 2005, this Court considered the contention of the learned Assistant Government Pleader that the pattas produced by the petitioners are not genuine and they are forged and fabricated one. This Court took a view that an enquiry is necessary into this aspect. This Court disposed of the writ petitions directing the Mandal Revenue Officer to conduct enquiry.

Following the judgment in W.P.No.791 of 2005, dated 14.12.2006, this Writ Petition is also disposed of directing the Mandal Revenue Officer, Visakhapatnam, to conduct a detailed enquiry into the assignments made in favour of the Ex-servicemen. If it is ultimately found that the D-Form pattas are fabricated and forged, appropriate action shall be taken against all those responsible for such fabrication of forged D-Form pattas. The petitioner, however, cannot be evicted, unless appropriate action is taken under Andhra Pradesh Land Encroachment Act, 1905. In case, it is found that the D-Form pattas granted are genuine, it shall always be open to Government to resume the land after paying compensation as per law. This Court also observes that the Mandal Revenue Officer shall conduct enquiry within a period of three months from the date of receipt of a copy of this order, as directed hereinabove. No costs.

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(V.V.S.RAO, J)

24.08.2007

GJ